

CITY OF ALVARADO
County of Johnson
State of Texas
March 20, 2023
City Council Minutes.

The City Council of the City of Alvarado met in Regular Called Session on Monday, March 20, 2023 at 6:30 p.m. Roll Call was taken as follows:

Jacob Wheat	Mayor	Present
Lydia Moon	Mayor Pro-Tem	Present
Cherry Bryant	Councilperson	Present
Kevin Thomas	Councilperson	Present
Scott Arthur	Councilperson	Present
Michael Bennett	Councilperson	Absent
Beverly Short	Councilperson	Present

Others Present:

Paul DeBuff	City Manager
Beth A Walls	City Secretary
Ashley Dierker	City Attorney
Laura Cox	Chief Financial Officer
Justin French	Community Dev. Director
Paula Hardison	Director Billing/Accounting
John Rodgers	Fire Chief
Precious Moore	Library Director
Teddy May	Police Chief
Michael Dwiggins	Public Works Director

Mayor Jacob Wheat called the meeting to order at 6:30 p.m. and Scott Arthur gave the invocation.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS- Jameye Jones reminded Council of upcoming events.

INTRODUCTION OF NEW EMPLOYEES- Jessica Hill- AP/Payroll Coordinator.

AGENDA ITEMS #1, 2 3, & 4

CONSENT AGENDA

1. Consideration and action to approve minutes from the February 20, 2023 City Council meeting.
2. Consideration and action to approve Certification of Unopposed Candidates for the City of Alvarado May 6, 2023 General Election.
3. Consideration and action to approve Ordinance 2023-0008, canceling the City of Alvarado General Election.
4. Consideration and action to add Josh Rendon to the Planning and Zoning Commission Board.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve the consent agenda.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #5

CONSIDERATION AND ACTION TO RECEIVE AND APPROVE THE CITY OF ALVARADO FINANCIAL AUDIT FOR FISCAL YEAR 2020-21.

Carey Adams, CPA, Partner with Waters, Vollmering & Associates, LLP, presented the findings of the 2020- 2021 audit to City Council.

Motion was made by Cherry Bryant and seconded by Lydia Moon to accept and approve the City of Alvarado Fiscal Audit for the year 2020-2021.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #6

PRESENTATION OF LIFE-SAVING AND CIVIC AWARDS.

Sargeant Casey Lopez was recognized with a Civic Award for her work and generosity in helping citizens of Alvarado by organizing a collection of items for Christmas and other events.

Fire Captain Archie Gerbine, and Police Sargeant Tom Gross were recognized for their role in rescuing a man from a burning house in November, 2022.

Council thanked them for their service but no other council action was required.

AGENDA ITEM #7

PRESENTATION BY GENERAL CODE / FRANKLIN LEGAL REGARDING CODIFICATION SERVICES.

Faye Moore with General Code/Franklin Legal gave Council a high-level presentation on codification services being proposed for the City of Alvarado. No Council Action Required.

AGENDA ITEM #8

UPDATE ON CHARTER ELECTION MEDIA CAMPAIGN

Donielle Suber gave Council an overview of proposed media to be used to educate Alvarado voters about the May 6, 2023 special election. No Council Action Required.

AGENDA ITEM #9

CONSIDERATION AND ACTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH ALVARADO TREE SERVICE, IN THE AMOUNT OF \$15,500.00 FOR TRIMMING TREES & SHRUBS AND THE REMOVAL OF DEBRIS AT 220 S. CUMMINGS DRIVE, ALVARADO, TEXAS.

Motion was made by Lydia Moon and seconded by Beverly Short to authorize the City Manager to Execute the contract.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #10

CONSIDERATION AND ACTION TO APPROVE ORDINANCE 2023-0007, AMENDING ORDINANCE 2022-0014 ADOPTED ON SEPTEMBER 19, 2022 WHICH AFFIXED AND LEVIED MUNICIPAL AD VALOREM TAXES ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF ALVARADO, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 AT THE RATE OF \$0.812696 PER ONE HUNDRED DOLLARS (\$100.00) TO CORRECT THE ALLOCATION BETWEEN THE MAINTENANCE AND OPERATION RATE AND INTEREST AND SINKING RATE AS SHOWN ON ORDINANCE 2022-0014 AND AMENDING CERTAIN LANGUAGE INCLUDED IN ORDINANCE 2022-0014 TO COMPLY WITH SECTION 26.05 OF THE TAX CODE.

Motion was made by Lydia Moon and seconded by Beverly Short to approve.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried

AGENDA ITEM #11

CONSIDERATION AND ACTION TO APPROVE RESOLUTION R2023-0006, DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION AND DECLARE ITS INTENTION TO REIMBURSE ITSELF FOR PROJECT-RELATED PAYMENTS MADE PRIOR TO THE ISSUANCE OF THE CERTIFICATES.

Motion was made by Beverly Short and seconded by Kevin Thomas to approve.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried

AGENDA ITEM #12

HOLD A PUBLIC HEARING, CONSIDERATION AND ACTION TO APPROVE ORDINANCE 2023-0005 REGARDING THE APPLICATION OF ALVARADO INDEPENDENT SCHOOL DISTRICT ON BEHALF OF AGAVE TRAIL DEVELOPMENT, LLC FOR APPROVAL OF A ZONING CHANGE FROM PLANNED DEVELOPMENT (PD) DISTRICT TO INSTITUTIONAL OVERLAY – AGRICULTURAL (I-A) DISTRICT ON 22.8 ACRES KNOWN AS A PORTION OF TRACT 6 IN THE J. M. ROSS SURVEY, A-737, ADDRESSED IN THE 1200 BLOCK OF N. CUMMINGS DRIVE, AND AN AMENDMENT TO THE FUTURE LAND USE MAP IN THE ALVARADO COMPREHENSIVE PLAN.

Mayor Wheat opened the public hearing at 7:20 pm.

The Future Land Use (FLU) map within the Alvarado Comprehensive Plan designates the subject site for Low Density Residential. Low Density Residential development will generally be single-family detached homes at approximately four dwelling units per acre. The requested zoning of I District is an overlay zone that is intended to provide for uses of a generally noncommercial institutional and/or group quarter character. Such uses typically involve densities or arrangements which are not permitted by right in low and medium density residential areas but which often have residential characters or have symbiotic relationships with residential neighborhoods. The I District is approved as a prefix on other zoning districts to allow in appropriate circumstances for institutional type uses that are typically regulated by state or federal law. Accompanying this rezoning request is a request to amend the City's Future Land Use map to have the subject site located within the Public/Semi-Public future land use category.

Mayor Wheat closed the public hearing at 7:24 pm.

Motion was made by Cherry Bryant and seconded by Beverly Short to approve Ordinance 2023-0005 regarding the zoning change from planned development (PD) district to institutional overlay-agricultural (I-A) district on 22.8 acres known as a portion of tract 6 in the J.M. Ross Survey, A-737, addressed in the 1200 block of N. Cummings Drive, and an amendment to the future land use map in the Alvarado Comprehensive Plan.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried

AGENDA ITEM #13

CONSIDERATION AND ACTION TO APPROVE ORDINANCE 2023-0006 REGARDING THE APPLICATION OF ALVARADO INDEPENDENT SCHOOL DISTRICT ON BEHALF OF AGAVE TRAIL DEVELOPMENT, LLC FOR APPROVAL OF THE ALVARADO NORTH ADDITION PRELIMINARY PLAT ON 22.8 ACRES KNOWN AS A PORTION OF TRACT 6 IN THE J. M. ROSS SURVEY, A-737, ADDRESSED IN THE 1200 BLOCK OF N. CUMMINGS DRIVE.

The preliminary plat application was submitted and deemed administratively complete on February 28, 2023. Per Section 34-34.c of the Alvarado subdivision ordinance (as modified by Texas House Bill 3167 of Legislative Session in 2019), the City Council shall:

- (1) Act within 30 days after the filing of preliminary plat,
- (2) Make one of the following actions.
 - a. Approve.
 - b. Approve with conditions.
 - c. Disapprove with explanation.

The Future Lane Use (FLU) map within the Alvarado Comprehensive Plan designates the subject site for Low Density Residential; however, the applicant requests a rezoning to the I-A District that is accompanied by a proposed amendment to the Public/Semi-Public land use category. Staff finds the preliminary plat to comply with the minimum standards of the Alvarado subdivision ordinance and all other ordinances with the exceptions being stated in the attached recommended conditions of approval letter.

Motion was made by Scott Arthur and seconded by Kevin Thomas to approve Ordinance 2023-0006 with P & Z recommendations.

This motion supported 4 votes in approval and 1 vote opposed. Motion carried

AGENDA ITEM #14

CONSIDERATION AND ACTION TO APPROVE THE APPLICATION OF STEPHANIE TORREZ ON BEHALF OF REZ REAL ESTATE INVESTMENTS, LLC FOR APPROVAL OF LOT 1, BLOCK 86 OF THE ORIGINAL TOWN OF ALVARADO ADDITION PRELIMINARY PLAT BEING 0.36 OF AN ACRE AND KNOWN AS A PORTION OF TRACT IN THE A. J. PATTON SURVEY, A-685, ADDRESSED 705 AT E. DAVIS AVENUE.

The Future Land Use (FLU) map within the Alvarado Comprehensive Plan designates the subject site for Low Density Residential, and the property is zoned Single-Family Residential (SF-2) District. Staff finds the preliminary plat and sanitary sewer construction plans to comply with the minimum standards of the Alvarado subdivision ordinance and all other ordinances with the exceptions noted in an approval letter. On March 14, 2023, the Planning and Zoning Commission recommended by a vote of 3-0 that Council approval with conditions listed in the recommended condition of approval letter.

Motion was made by Lydia Moon and seconded by Scott Arthur to approve the preliminary plat application for Lot 1, Block 86 of the Original Town of Alvarado.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried

AGENDA ITEM #15

CONSIDERATION AND ACTION TO APPROVE AT THE REQUEST OF PROPERTY OWNER DWAYNE WINK, AN ONSITE SEWER FACILITY (OSSF), AS AUTHORIZED BY SECTION 34-130(C) OF THE ALVARADO SUBDIVISION ORDINANCE, ON 6.626 ACRES KNOWN AS TRACT 34 IN THE A. G. KIMBELL SURVEY, A-479, AND ADDRESSED AT 1209 S. PARKWAY DRIVE.

Turf and Soil Management, LLC (T&S) is a sales and service business currently leasing property at 4531 IH 35W in the Alvarado ETJ between CR 604 and Asher Road. T&S is interested in purchasing 1209 S. Parkway Drive from Mr. Wink and making it their permanent location within Alvarado city limits. The property at 1209 S. Parkway Drive is not a platted lot of record, which is a prerequisite to the issuance of building permits T&S needs to improve the property. To plat the property as a lot of record, the developer must install all sanitary sewer facilities needed to serve the development and extend all sanitary sewer mains and appurtenances necessary to connect the development with the City's sanitary sewer system.

In doing their due diligence, T&S discovered the City's sanitary sewer collection system is over 300 feet away and across a tributary of North Fork Chambers Creek. Bid quotes provided by Fire Line Services, Inc. estimate the cost to connect to the City's sanitary sewer collection system to be between \$131,500 and \$162,304, which does not include the unknown cost for offsite easement acquisition also needed. T&S's lease is up at the end of this calendar year, and T&S will be deciding on a new location. For 1209 S. Parkway Drive to be their location T&S will need City Council to approve the request of property owner, Dwayne Wink, which is to allow a properly permitted onsite sewage facility in lieu of connection to the City's sanitary sewer system as permitted by Section 34-130(c) of the Alvarado subdivision ordinance.

Motion was made by Lydia Moon and seconded by Beverly Short to approve the request for an onsite sewer facility as authorized by section 34-130© of the Alvarado Subdivision Ordinance on 6.626 acres known as tract 34 in the A.G Kimbell Survey, A-479, and addressed at 1209 S Parkway Drive.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

Mayor Wheat announced that Council would go into Executive Session at 8:10.

EXECUTIVE SESSION

PURSUANT TO THE TEXAS OPEN MEETINGS ACT, CHAPTER 551 OF THE TEXAS GOVERNMENT REGULAR CITY COUNCIL MEETING AGENDA MARCH 20, 2023 PAGE 3 CODE, THE CITY COUNCIL OR OTHER BOARD MAY CONVENE IN CLOSED SESSION TO DELIBERATE REGARDING THE FOLLOWING MATTERS: §551.071 CONSULTATION WITH ATTORNEY. THE CITY COUNCIL OR OTHER BOARD MAY CONVENE IN

EXECUTIVE SESSION TO CONDUCT A PRIVATE CONSULTATION WITH ITS ATTORNEY ON ANY LEGALLY POSTED AGENDA ITEM, WHEN THE CITY COUNCIL OR OTHER BOARD SEEKS THE ADVICE OF ITS ATTORNEY ABOUT PENDING OR CONTEMPLATED LITIGATION, A SETTLEMENT OFFER, OR ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE PROVISIONS OF CHAPTER 551, INCLUDING THE FOLLOWING ITEMS: A. ANY POSTED ITEM ON THE AGENDA. B. TGC SECTION 551.074: DELIBERATION ON THE APPOINTMENT, EMPLOYMENT, EVALUATION, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE: ECONOMIC DEVELOPMENT DIRECTOR.

Mayor Wheat reconvened regular session at 8:35 p.m.

AGENDA ITEM #16

RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve agreement with Emile Moline as discussed in executive session.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

Mayor Wheat adjourned the meeting at 8:38 p.m.

Passed and approved this the 17th day of April, 2023.



Mayor Jacob Wheat

Respectfully Submitted,



Beth A Walls, City Secretary/HRD